

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

MARC & CELESTE BELL, DEBTOR/PLAINTIFF,)	
)	CHAPTER 13 CASE #08-10888
VS.)	
)	ADVERSARY PROCEEDING
GMAC MORTGAGE, LLC)	CASE # 11-01004
DEFENDANT.)	

CONSENT JUDGMENT AND ORDER

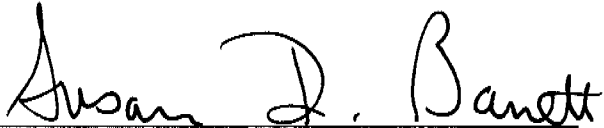
On January 27, 2011, Marc & Celeste Bell (Plaintiff) filed this Adversary Complaint against GMAC Mortgage, LLC (Defendant), seeking a determination that Defendant's lien upon Plaintiff's real property commonly known as 5123 Parnell Way, Martinez Georgia 30907 and improvements thereon, be declared a general unsecured claim.

A Consent Order Resolving Complaint was signed and forwarded to the Court on August 11, 2011. Parties having Consented to the Entry of Judgment with the following terms and conditions:

1. Debtors' request for entry of judgment against GMAC for violation of the automatic stay Order, attorneys' fees, actual damages, and punitive damages is denied.
2. According to Plaintiffs' Complaint, the Property is encumbered by the first lien only by GMAC Mortgage, LLC. The outstanding debt to the first position lienholder exceeds the total value of the property. As a result, Plaintiffs brought this Adversary to have GMAC Mortgage, LLC, Defendant, and second lien holder, claim classified as unsecured, rather than secured, and said debt be subject to discharge.
3. Plaintiffs' confirmed Plan values Defendant's claim at \$0.00. Plaintiffs' Complaint also requests an order declaring the lien null and void and be recorded in the appropriate real estate records as such at the time of Discharge.

For these reasons, it is hereby ORDERED that, a Judgment be entered and Defendant's claim as a second lien holder be treated as unsecured and Defendant's second lien against the Property shall become null and void upon Plaintiffs' receipt of Discharge in the underlying Bankruptcy and Defendant to file the appropriate paperwork at the time of said Discharge.

This 13th day of September, 2011.


SUSAN D BARRETT
United State Bankruptcy Judge

Prepared and Consented by:

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